

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

10-10
JUL 16 2010
* 11:13 AM *
BROOKLYN OFFICE

ROSEMARIE FRIEDMAN,

Plaintiff,

ORDER

-against-

10-CV-0466 (NGG) (MDG)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

-----X
NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Rosemarie Friedman brought this action against the Commissioner of Social Security ("the Commissioner"), seeking review and reversal of the Commissioner's denial of her claim for Social Security disability insurance benefits. (See Compl. (Dkt. 1).) On July 16, 2010, the court approved entry of a stipulation and order wherein the parties agreed to remand the case for further administrative proceedings before the Social Security Administration. (Stip. & Order (Dkt. 13).)

On August 10, 2010, Plaintiff moved for \$2,524.50 in attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Pl. Mot for Fees (Dkt. 15).) The Commissioner responded and asked that the award of attorney's fees be reduced. (Comm'r Resp. (Dkt. 16).) The court referred Plaintiff's motion to Magistrate Judge Marilyn D. Go for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b). (Nov. 9, 2012, Order.) On February 12, 2013, Judge Go recommended that Plaintiff's motion be granted, but that she be awarded reduced fees in the amount of \$2,272.05. (See R&R (Dkt. 18).) Objections to the R&R were due by March 1, 2013. (Id.) None were filed.

In reviewing a magistrate judge's R&R, the district court "may adopt those portions of the Report to which no objections have been made and which are not facially erroneous." La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); see also Porter v. Potter, 219 F. App'x 112, 113 (2d Cir. 2007) (failure to object waives further judicial review). The court reviews de novo "those portions of the report . . . to which objection is made." 28 U.S.C. § 636(b)(1).

No objections to Judge Go's R&R have been filed and the time to do so has passed. The court concludes that the R&R is not facially erroneous and thus adopts it in its entirety. Plaintiff's motion for attorney's fees is GRANTED IN PART, and Plaintiff is awarded \$2,272.05 in attorney's fees.

SO ORDERED.

Dated: Brooklyn, New York
April 1, 2013

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS U
United States District Judge